

**Town of Clarence
Planning and Zoning**

Memo

To: Town Board Members

From: James Callahan, Director of Community Development

cc: Town Attorney, Town Clerk, Town Engineer, Senior Code Enforcement Officer, Planning Board Members, Chamber of Commerce

Date: June 21, 2017

Re: June 28, 2017 Town Board Meeting

Following is a review/analysis of the items listed on the June 28, 2017 Town Board Meeting Agenda:

FORMAL AGENDA ITEMS:

1. ROCK THE BARN, 9015 MAIN STREET.

Location: South side of Main Street, east of Shimerville Road.

Description/History: Existing vacant land located in the Commercial and Restricted Business Zones.

Proposal: Annual special event to benefit Meals on Wheels.

Comprehensive Plan: Area identified in a commercial corridor.

Reason for Town Board Action: Per the Special Event Local Law, the Town Board has final approval authority for large scale special events.

Issues: Applicant to notify emergency services of the event date and times.

2. BENDERSON DEVELOPMENT/SPOT COFFEE, 5205 TRANSIT ROAD.

Location: East side of Transit Road, south of Greiner Road.

Description/History: Existing restaurant located in the Major Arterial Zone.

Proposal: Applicant is proposing to add a drive-thru service to the existing restaurant.

Comprehensive Plan: Area identified in a commercial corridor.

Issues: The Planning Board has forwarded a recommendation on the proposal. A public hearing will be required to consider the permit.

3. MULTIPLE FAMILY RESIDENTIAL CODE AMENDMENT (CHAPTER 229-ZONING)

Location: Commercial, Restricted Business and Traditional Neighborhood Zoning Districts within the Town.

Description/History: The Town Board initiated a moratorium on multiple family housing in February of 2017 and the Planning Department and Planning Board have been working on code amendments in conformance with Clarence 2030 and Vision Main Street. A final draft of an amended code is now ready for Town Board review and adoption.

Proposal: The intent of the multiple family housing zoning law amendment is to provide a framework for sustainable multiple family housing projects in the Town of Clarence. This framework guides the design, approval and construction of projects consisting of multiple family developments within the Commercial, Restricted Business and Traditional Neighborhood Zones.

Consideration is given to sound planning principles associated with, but not limited to, community character, site integration, density, design intent, scale, infrastructure, natural features, complimentary uses and incentive standards. The amendments are crafted to further the vision, goals, strategies and action items found in the Town's Comprehensive Plan, Clarence 2030.

This amended law will not result in significant adverse environmental impacts, as the overall density will generally remain consistent with current standards.

WORK SESSION ITEMS:

1. LEGACY WOODS, WEST SIDE OF NEWHOUSE ROAD.

Location: West side of Newhouse Road south of Clarence Center Road.

Description/History: Existing vacant parcel containing 55+ acres in the Residential Single Family Zone.

Proposal: Applicant is proposing to develop an Open Space Design Subdivision.

Comprehensive Plan: Area identified in a residential classification and located within Erie County Sewer District #5.

Reason for Town Board Action: Per the Zoning Law the Town Board will be Lead Agency on this project review.

Issues: The applicant has now completed a Part 1 Environmental Assessment Form and the Town Board, as Lead Agency, may proceed with coordinated review and seeking Lead Agency status.

2. ROB BLANDFORD, 5355 WILLOW LAKE DRIVE.

Location: Northeast end of Willow Lake Drive.

Description/History: Existing vacant lot located in the Residential Single Family Zone.

Proposal: Applicant is proposing to construct a new home with an in-law living unit included.

Comprehensive Plan: Area identified in the residential zone.

Reason for Town Board Action: Per the Zoning Law the Town Board may consider secondary living units via a Special Exception Use Permit.

Issues: A public hearing will be required to consider the permit.

3. DANIEL AND MARIE MULANIFF, 9296 KRISTINA CIRCLE.

Location: West side of Goodrich Road north of Keller Road with a driveway connection to Kristina Circle.

Description/History: Existing home located on 27 + acres in the Agriculture Rural Residential Zone.

Proposal: Applicant is seeking approval to connect to the existing sewer line and is requesting an out of district customer approval from Clarence Sewer District #2.

Comprehensive Plan: Area identified in an agricultural zone. Recent sewer extension to County Road Industrial Park traverses the property.

Reason for Town Board Action: The Town Board are Commissioners of Clarence Sewer District #2 and may approve out of district customer requests.

Issues: As the project is upstream of and connected through Erie County Sewer District #5, the Board of Managers of ECSD#5 has approved the proposal.

4. KEN LOEWER, 10155 KELLER ROAD.

Location: South side of Keller Road, west of Strickler Road.

Description/History: Existing residential property located in the Agriculture Rural Residential Zone.

Proposal: Applicant is proposing to celebrate a significant milestone and is requesting a permit for a fireworks display.

Reason for Town Board Action: Per Code, the Town Board has authority to approve fireworks display permits.

Issues: All application materials, fees, insurance/bonds are in the file. The fire chief is reviewing the proposal.

5. BLUE WIRELESS, 8135 SHERIDAN DRIVE.

Location: South side of Sheridan Drive east of access to Eastern Hills Mall.

Description/History: Existing commercial property located in the Commercial Zone. Current use is the Buck and Doe Shop.

Proposal: Applicant is seeking approval to construct a wireless communications monopole.

Comprehensive Plan: Area identified in a commercial classification.

Reason for Town Board Action: Per the Satellite, Antenna and Tower Law, the Town Board may approve towers via a Special Exception Use Permit.

Issues: The proposed tower is not in compliance with local code requirements as the height exceeds the 100' height maximum and the setbacks, while 100' are not the required height of tower (140'). The project will require site plan approval by the Planning Board, a height and setback variance from the ZBA as well as the Special Exception Use Permit by the Town Board.